

RI Department of Environmental Management

OWTS Designer Licensing Review Panel

Minutes of Open Session of April 24, 2009

This meeting of the OWTS Designer Licensing Review Panel was conducted at 235 Promenade Street, in Conference Room 280C.

Members of the Panel Present:

Scott Moorehead, Chairman

Jim Tavares

Al DiOrio

Dan Cotta

Members Absent:

David Burnham

Others present:

Russ Chateauneuf, Chief, DEM Groundwater & Wetlands Protection

Brian Moore, DEM OWTS Program

Brian Sullivan, DEM OWTS Program

Deb Knauss, DEM Groundwater and Wetlands Protection

The meeting was called to order at 9:40 A.M.

Minutes of the October 17, 2008 Meeting Open Session

S. Moorehead made a motion to accept the minutes of the Open

Session portion of the October 17, 2008 meeting with the following revisions: Page 2, first paragraph – add “and” to “..to ask the PE Board for an advisory opinion and not issue a complaint at this time.” Also, change “for” to “from” in “..the department receives an advisory opinion from the PE Board...” D. Cotta seconded the motion. S. Moorehead, D. Cotta, A. DiOrio, and J. Tavares voted in favor of the motion. The motion passes.

At approximately 9:45 A.M., in open call, S. Moorehead announced that the meeting would proceed in Executive Session pursuant to R.I.G.L. 42-46-5 (a) 4, for discussion of conduct of specific designers. A. DiOrio made a motion to enter into Executive session. D. Cotta seconded the motion. A. DiOrio, D. Cotta, S. Moorehead, and J. Tavares voted in favor of conducting business in Executive Session. The motion passes.

Continuation of Open Session

The open meeting was reconvened at 10:46 A. M.

J. Tavares made a motion to reaffirm votes taken in Executive Session and seal the minutes of the Executive Session. D. Cotta seconded the motion. J. Tavares, D. Cotta, A. DiOrio, and Scott Moorehead voted in favor of the motion. The motion passes.

Votes taken while in Executive Session:

D. Cotta made a motion to accept the Minutes of the Closed Session portion of the October 17, 2008 meeting with revisions. J. Tavares seconded the motion. D. Cotta, J. Tavares, S. Moorehead, and A. DiOrio voted in favor of the motion. The motion passes.

S. Moorehead made a motion that the Review Panel needs evidence that a soil evaluation was incorrect; barring this, there is no reason to further pursue the matter of a complaint against a Class IV designer. Dan Cotta seconded the motion. S. Moorehead, D. Cotta, A. DiOrio, and J. Tavares voted in favor of the motion. The motion passes.

J. Tavares made a motion to seal the minutes of the Executive Session, adjourn the Executive Session, and reconvene the Open Session. D. Cotta seconded the motion. J. Tavares, D. Cotta, S. Moorehead, and A. DiOrio voted in favor of the motion. The motion passes.

Discussion of term limits and eligibility criteria structure of members serving on the Review Panel:

R. Chateauneuf: The Director has reappointed all Review Panel members for another two-year term ending December 31, 2009. The department appreciates the Panel's work and assistance and would like to thank them for their time as their considerable expertise is valuable to the department. In making the reappointments this year, the Director requested that the Panel enter into a discussion of the

current structure of the panel membership to solicit feedback on whether any changes are needed. The composition of the panel is stated both in statute and rule. [The following excerpts were distributed for discussion]

From the Rules:

12.5 Review Panel- The Director shall appoint a Review Panel which shall consist of five (5) members, at least three (3) of whom shall be licensed under this Rule and not be employed by the Director. Members of the Review Panel shall be appointed for a two year term. The Review Panel shall conduct regular meetings as needed, but shall meet not less than once every six (6) months.

From the RIGL Statute:

(c) The licensing authority shall appoint a review panel consisting of five (5) members at least three (3) of whom shall be licensed designers not employed by the licensing authority, for the purpose of reviewing and hearing disciplinary actions contemplated under subsection (b) of this section. The review board shall make recommendations to the licensing authority to suspend or revoke licenses. All final decisions shall be made by the licensing authority.

S. Moorehead: Suggest keeping two-year term limits with the provision that members can not serve for more than two or three consecutives terms. Reappointments can be made after an absence of a specified number of meetings. It may be difficult to find someone willing to serve. Recruitment could take place via the OWTS Program Listserve. It would be appropriate to have the Panel review a list of likely candidates and make a recommendation to the Director as the Panel understands what would be required of the candidates.

It was acknowledged that the current panel membership has served many years:

Dave Burnham 10 years

Scott Moorehead 10 years

Dan Cotta 10 years

Jim Tavares 4-5 years

Al DiOrio 3 years

Terms should be staggered to maintain continuity of the panel over time, such as getting no more than one panel member change in any one year.

There was general consensus that the Panel body continue to include a representative of each type of license as follows:

Class IV Soil Evaluator – currently represented by Dan Cotta (who is also a Class III Designer)

Class III Designer – currently represented by Scott Moorehead (who is also a Class IV Soil Evaluator)

Class II Designer – currently represented by Al DiOrio (who is also a Class IV Soil Evaluator)

Class I Designer – currently represented by Dave Burnham (who is also an Installer)

Builder – currently represented by Jim Tavares

The Class 1 should be an active installer.

There was also general consensus that any actionable complaint against a prospective member (i.e. a disciplinary action against a designer as recommended by the Panel) should preclude the member from being recommended to serve on the Panel; and that any prospective member be reasonably active in their field of work.

R. Chateauneuf: Current Panel members should be able to serve until they have been replaced by a new member. If any member here is considering leaving the Panel, he/she should make it known and staff will advertise an opening via the OWTS Program Listserve. [It was indicated that could there be a Class III opening on the Panel in the near future, staff will post the opening on the Listserve.]

Discussion on Review Panel members request to receive Continuing Education Credits for serving on the Panel

Following a discussion of what other professional boards require for

continuing education (CE) credits and which boards award CE's for serving on the board, the number of meetings required per year, and CE requirements for DEM's Licensed Designer Program, R. Chateauneuf stated that he will recommend to the Director that Review Panel members get 4 CE's per year for serving on the Panel regardless of the number of meetings that take place in the year (note that the panel must meet at least twice per year and that meetings generally run 3 hours or more with prep time before and after). [The CE's would be issued for the current license period retroactive from the date when the license was renewed. i.e. if a license was renewed in December 2008, the 4 CE's would be applied to the December 2008 – December 2009 CE reporting period. CE's would not be awarded to any one who opts to attend the meeting but is not serving on the Panel.

R. Chateauneuf noted that the agendas and minutes of Review Panel meetings continue to be posted on the Secretary of State website as required by the Opens Meetings Act.

Next Meeting:

The next meeting of the panel is tentatively scheduled for Friday, October 23, 2009 from 9:30 AM to 12:00 PM in Conference Room 280C in the DEM Office of Water Resources.

A. DiOrio made a motion to adjourn. J. Tavares seconded the motion.

A. DiOrio, J. Tavares, D. Cotta, and S. Moorehead voted in favor of

the motion. The motion passes.

The meeting adjourned at 11:40 A.M.